

REMARKS

I. Claims Status

Prior to this amendment claims 1-12 were pending. Claim 1 has been amended to delete the term “prodrug” without prejudice and to amend the definition for the R¹ group. Support for this amendment comes from the specification as filed at page 18 lines 19-21; page 19 lines 1-5 and page 20 lines 1-2. Additionally a definition for R^{2a} has been added to Claim 1.

Support for this amendment comes from the specification as filed at page 20 lines 4-25 and page 21 lines 1-4.

Claim 11 has been amended to add the phrase “therapeutically effective amount of a”. Support for this amendment comes from the specification as filed at page 37 lines 29-31 and page 38 lines 1-9.

Claim 12 has been amended to delete the term “cancer” without prejudice.

New Claims 14 and 15 are claims directed to the specific compounds found in the specification as filed and pharmaceutical compositions containing them. Support for new Claims 14 and 15 comes from the specification as filed at pages 45-59 (Examples 1-86) and page 15 lines 4-5.

No new matter has been added by these amendments.

II. Election/Restriction

Applicants elect Example 58. Applicants also note that terms benzopyrimidines and quinazolines are synonymous.

III. Claim Rejections

a) 35 U.S.C. § 112 Second Paragraph

Claims 1, 11, and 12 stand rejected under 35 USC § 112 Second Paragraph as being indefinite. Claim 11 stands rejected as being self conflicting due to the fact that the claims lack a dosage limitation. Claim 11 has been amended to add the phrase “therapeutically effective amount”. Support for this amendment comes from the specification as filed at page 37 lines 29-31 and page 38 lines 1-9. Applicants respectfully request reconsideration and withdrawal of the rejection.

Claim 1 stands rejected as being indefinite. The Examiner contends that the language “saturated, unsaturated, or aromatic C3-C20 mono, bi or polycyclic ring optionally containing at least one heteroatom selected from the groups consisting of N, O and S” is indefinite. Without conceding the Examiners position the aforementioned language has been deleted and specific ~~saturated, unsaturated or aromatic C3-C20 mono, bi and polycyclic~~ rings containing at least one heteroatom have been added. Support for this amendment comes from the specification as filed at pages 18 lines 19-21; page 19 lines 1-5 and page 20 lines 1-2. Applicants respectfully request reconsideration and withdrawal of the rejection.

Claim 12 stands rejected under 35 USC §112 Second Paragraph as indefinite. Applicants believe that the Examiner is contending that the transitional phrase “comprising” found in Claims 12 renders the claim indefinite. Applicants respectfully traverse. As the Examiner has noted the transitional phrase “comprising” is open-ended allowing for additional steps or elements. Open-ended transitional phrases do not render claims indefinite. Claims which recite certain steps to be performed and use the transitional phrase “comprising” are definite on their face and are quite common. Applicants respectfully request reconsideration and withdrawal of the rejection.

b) 35 USC §112 First Paragraph

Claim 1 stands rejected under 35 USC §112 First Paragraph. The Examiner contends that prodrugs of the compounds of the invention are not enabled. Without conceding the Examiners position the term “prodrug” has been deleted without prejudice. Applicants respectfully request reconsideration and withdrawal of the rejection.

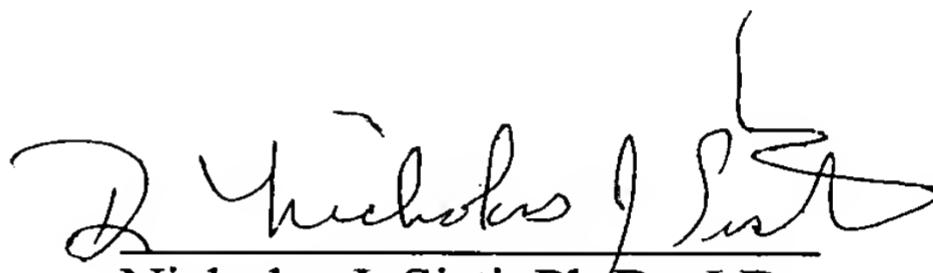
Claim 12 stands rejected under 35 USC §112 First Paragraph. The Examiner contends that a method to treat cancer constitutes a reach through claim and lacks operability. Without conceding the Examiners position the term “cancer” has been deleted without prejudice. Applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

It is believed that the application is now in condition for allowance. Favorable action is earnestly solicited. If the Examiner believes a telephonic interview would expedite the prosecution of the instant case she is invited call the applicants representative whose contact information appears below.

It is believed that no fee is required for the consideration of this Amendment. However, if any fees are required, the Commissioner is authorized to charge such fees to our Deposit Account No. 16-1445.

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